



THE COMMONWEALTH OF MASSACHUSETTS OFFICE OF THE ATTORNEY GENERAL

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ATTORNEY GENERAL

(617) 727-2200
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March 20, 2025

VIA E-MAIL ONLY

Jonathan Gerhardson
jon.gerhardson@gmail.com

Re: Your Public Records Request

Dear Jonathan Gerhardson:

I write in further response to your public records request made pursuant to the Massachusetts public records law, G.L. c. 66, § 10, and received on February 27, 2025. In an e-mail to the Records Access Officer Mailbox, you requested copies of records from the Office of the Attorney General (AGO), specifically “any reports of alleged misappropriations of opioid settlement funds, and any notices sent about these allegations. Timeframe: Feb. 27, 2024 to Feb. 27, 2025.”

In a letter to you on March 13, 2025, we explained that we were still in the process of reviewing records that may be responsive to your request and needed more time to complete our review.

Today we enclose two (2) pages of records that may be responsive to your request and are subject to disclosure under the public records law, G.L. c. 66, § 10 and G.L. c. 4, § 7, cl. 26. Please note that the records were redacted in accordance with G.L. c. 4, § 7, cl. 26(c), insofar as they contain information relating to specifically named individuals, including the names and other identifying, personal information of the complainants and third parties, the disclosure of which may constitute an unwarranted invasion of personal privacy. *See also* G.L. c. 66A, § 2(c); 940 CMR 11.04(1). Further, G.L. c. 4, § 7, cl. 26(f) also applies to withholding the names and identifying information of the complainants, as such disclosure would cause a “chilling effect” on complainants to speak candidly with law enforcement.

Please be advised that we are withholding one (1) document that may be responsive to your request in accordance with G.L. c. 4, § 7, cl. 26(f), as it constitutes investigatory materials related to an open investigation that reveal confidential sources of information that are necessarily compiled out of the public view by law enforcement officials, the disclosure of which would so compromise effective law enforcement by prematurely releasing information about the nature of our investigation and/or cause a chilling effect on individuals to speak freely with law enforcement, that such disclosure would not be in the public interest.

With regard to your request for “any notices sent about these allegations,” please be advised that the AGO found no records responsive to your request as written.

Jonathan Gerhardson
March 20, 2025
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The public records law permits a custodian of public records to charge requesters for certain costs associated with responding to public records requests. *See* G.L. c. 66, § 10(d) and 950 CMR 32.07. However, G.L. c. 66, § 10(d)(ii)(B) provides that no fees shall be charged for the first four (4.0) hours labor required to respond to a request. As 4.0 hours were required to respond to this request, there are no fees to be paid in this instance.

You have the right to appeal this response to the Supervisor of Records pursuant to G.L. c. 66, § 10A(a), and to seek judicial review of an unfavorable decision by commencing a civil action in the superior court under G.L. c. 66, § 10A(c).

Very truly yours,

A handwritten signature in black ink, appearing to read "Jess Instone", written in a cursive style.

Jess Instone
Assistant Attorney General
General Counsel's Office

cc: Sydney Heiberger, Press Secretary

Western, Alex (AGO)

From: [REDACTED]
Sent: [REDACTED] 2024 10:13 PM
To: Hensel, Erika (AGO)
Cc: [REDACTED] Bullard, Gordon H. (DOR);
[REDACTED] mcolon@learn2cope.org; Day, Kathy (EXT); Donaghue, Kate -
Rep. (HOU); Maryanne Frangules; lori@fbinsure.com; Frank; dharper@umass.edu;
[REDACTED] Marks, Ethan (AGO); Hardy, Gregory (AGO); Wolitzky, Sandra
(AGO)
Subject: Lowell - Improper Opioid Abatement Expenditures
Attachments: 29134.pdf

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hi Erika,

Sorry for the late night email, but I wanted to bring the attached minutes and recorded votes of the City of Lowell's use of the abatement funds to you and the council's immediate attention.

In recent weeks there's been an escalated crisis regarding bans against homelessness camps for those suffering from OUD/SUD by the city.

When I started making inquiries on the \$1.2 million in settlement funds received and why they weren't taking that into account to provide solutions such as low threshold housing needs, I was met with significant resistance.

A constituent took notice and forwarded the attached document showing that they've used the funds to purchase vehicles instead of prioritizing programs or services.

I hope that the family advisory council will make oversight and enforcement a priority in ensuring the proper use of funds. They are currently arresting people for trespass in Lowell for nothing more than being homeless.

<https://www.lowellsun.com/2024/12/05/arrested-for-the-crime-of-being-homeless/?share=ooo4cl5sf1esitw0or2t>

I appreciate your attention to this matter.

Sincerely,

[REDACTED]

Western, Alex (AGO)

From: [REDACTED]
Sent: [REDACTED] 2025 8:34 PM
To: Carden, Andrew R. (SAO); MAOpioidSettlements
Subject: Fitchburg Not Abiding by Opioid Settlement

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello Attorney Carden and MA Opioid Settlement,

Can you please check into Fitchburg's handling of the opioid settlement, or let me know who can?

From watching Board of Health meetings it is my understanding that the mayor was required to establish an oversight board to manage use of the funds and she has not.

These funds are not being used for detox and rehab services, nor to assist grandparents or others raising the children of addicts, nor for sober living housing which was the #1 need in surveys of area addicts. (Sober houses were shut down in 2023 to make room for migrants.)

Instead, the funds are being used almost exclusively to add more and more permanent, fully benefitted people to a health department already four times larger than our twin city Leominster's although the two communities are of a similar size with similar demographics.

If you are not the right agency to look into this, please let me know who is.

Thank you.

[REDACTED]